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RUEHLB/AMEMBASSY BEIRUT IMMEDIATE 1145
RUEHMRE/AMCONSUL MARSEILLE IMMEDIATE 0030

UNCLAS USUN NEW YORK 000700

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SUBJECT: 1540: UN SUBCOMMITTEE DEFERS CONSIDERATION OF
IRAN'S IMPLEMENTATION

REF: A. STATE 116085

- [1](#)B. WUCHTE/WILCOX EMAIL--08/17/07
- [1](#)C. USUN 519
- [1](#)D. STATE 78188
- [1](#)E. USUN 361
- [1](#)F. STATE 56079 (06)
- [1](#)G. WILCOX/SANDAGE EMAIL--08/21/07

[1](#)1. (U) This is an action request. Please see para 7.

[1](#)2. (U) At an August 21 meeting, Sub-Committee B of the Security Council Committee established pursuant to resolution 1540 (2004) ("1540 Committee") agreed to defer consideration of a matrix assessing Iran's implementation of resolution [1](#)1540. It approved implementation matrices for Nicaragua, Mexico, Italy, Namibia, and Jordan and tasked its eight-member panel of experts to provide clarifications on matrices for Lebanon and Monaco. The matrices the Sub-Committee approved will be circulated to Committee members shortly for approval. Belgium, China, Ghana, and South Africa are the other members of the Sub-Committee.

[1](#)3. (U) Per ref D, USUN advised the Sub-Committee that the United States could not approve the Iran matrix, noting that it contains representations that conflict with the International Atomic Energy Agency's (IAEA) reporting on Iran's nuclear program, as well as the Security Council's resolutions on Iran. Ghanaian Deputy PermRep Christian, who chaired the meeting, asked USUN to identify specific areas of concern for the Sub-Committee at a later date, and the Sub-Committee agreed to defer its consideration of the Iran matrix.

[1](#)4. (SBU) USUN also sought clarification on the Lebanon matrix (ref G). USUN noted that the Lebanon matrix's assertion that "Lebanon undertake(s) appropriate steps and thorough searches at border checkpoints to prevent trafficking in such weapons in accordance with domestic laws and regulations and in compliance with international law in this area" is inconsistent with the Secretary-General's reporting to the Security Council pursuant to resolutions 1559 and 1701. Ghana agreed and asked the panel of experts for clarification. The panel of experts explained that the statement came from Lebanon's report to the Committee and asked for guidance since the Committee's guidelines only permit the Committee to rely on states' reports and information provided by the IAEA and the Organization for the Prohibition of Chemical Weapons. The Sub-Committee agreed to provide guidance later. Comment: Because the Committee ultimately will issue the matrices as documents of the Security Council, USUN believes the erroneous language should be deleted. If other Sub-Committee or Committee members oppose that approach, then USUN would recommend that the Committee add a footnote or other caveat to the matrix that either notes the inconsistency or indicates that the

Committee cannot attest to the accuracy of the contents of the matrix. End Comment.

¶5. (U) Concerning the Monaco matrix, USUN questioned a conclusion that Monaco's Sovereign Ordinance No. 15320 of 8 April 2002 on the suppression of the financing of terrorism adequately addresses the proliferation financing provisions of resolution 1540, given that the definition of "non-State actor" in resolution 1540 is not limited to terrorists. The experts agreed to review the Ordinance and provide clarification.

¶6. (U) Otherwise, USUN noted the importance of identifying whether states intend to become parties to the 2005 amendment to the Convention for the Physical Protection of Nuclear Material (CPPNM) and the 2005 Protocol to the 1988 Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (SUA Protocol). The Committee's experts said they have raised these instruments in their informal discussions with states at the recent regional outreach workshops on 1540 implementation. (Most matrices do not yet include information about the CPPNM amendment and the SUA protocol because states have not included information on these instruments in their reports to the Committee.)

¶7. (SBU) Action Request: When the Sub-Committee resumes consideration of the Iran matrix, USUN will have to be prepared to provide specific information to justify U.S. concerns and would appreciate Department's clarification on whether USUN can share the justifications provided in ref B with other Committee members. USUN will continue to work behind the scenes with like-minded Committee members to reach an appropriate resolution consistent with the guidance in ref

¶D. End Comment.

KHALILZAD